



Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

**Matter of:** BFGoodrich Company

**File:** B-258836.2; B-258838.2; B-258839.2;  
B-258840.2; B-258841.2; B-258842.2;  
B-258843.2; B-258986

**Date:** October 26, 1994

### DECISION

BFGoodrich Company protests the Department of the Navy's inclusion of a license requirement in a number of solicitations for F/A 18 landing gear.<sup>1</sup>

We dismiss the protests as untimely because they challenge an alleged impropriety in the solicitations that should have been protested before the initial closing date for submission of proposals. In each case, BFGoodrich Company waited until after the date set for receipt of initial proposals to file its protest in our Office.<sup>2</sup>

<sup>1</sup>Our bid protest reference numbers (and associated solicitation numbers) are: B-258836.2 (N00383-94-R-D239); B-258838.2 (N00383-94-R-D240); B-258839.2 (N00383-94-R-D272); B-258840.2 (N00383-94-R-D273); B-258841.2 (N00383-94-R-D267); B-258842.2 (N00383-94-R-D271); B-258843.2 (N00383-94-R-D238); B-258986 (N00383-94-R-D266).

<sup>2</sup>BFGoodrich Company states that it filed bid protests with the Navy by letters dated August 1 and August 8, 1994. However, since neither letter states that BFGoodrich is protesting, we do not consider the letters to be protests. In fact, the August 1 letter states that BFGoodrich is negotiating with McDonnell Douglas Aircraft for a licensing agreement and only takes exception to the requirement "until [BFGoodrich] reaches an equitable agreement with McDonnell Douglas." Even if we considered the August 1 letter as a protest, the contracting officer effectively denied the protest when he responded by letter dated August 3, 1994, by reiterating that a license agreement with McDonnell Douglas Aircraft was still a requirement in all the F/A 18 landing gear solicitations. Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(3) (1994), a protest should have been filed with our Office within 10 days of receipt of the contracting officer's letter. Instead, the protester waited until the middle of October to file its protests.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing time. 4 C.F.R. § 21.2(a)(1); Engelhard Corp., B-237824, Mar. 23, 1990, 90-1 CPD ¶ 324.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.



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